

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 16, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:45 a.m. Absent: Susan Austin. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATION

1. *Poison Prevention Week*

*Motion made, seconded and unanimously carried to delete the following item: A real American Revolutionary Hero, George Mason. [Anita Blair]

No action was taken on the discussion and action on waiving rental fees of the El Paso Museum of Art for the graduating nursing students reception from El Paso Community College.
[Teresa Cano, El Paso Community College Nursing Student]

Ms. Teresa Cano, El Paso Community College Nursing Student, explained that the fee to rent the El Paso Museum of Art facilities for their Spring 2004 traditional graduation ceremony and reception on May 8, 2004 was \$1,400.00 and requested assistance from the Council Members to waive the fees due to their low funds.

Representative Lozano moved to approve the fee waiver. There was no second.

Mayor Joe Wardy requested that Ms. Cano speak with Ms. Lisa A. Elizondo, City Attorney, regarding the possibility of the City co-sponsoring the graduation event due to legal implications for the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library be authorized to receive and accept funds from the Estate of Ethel Meyer Schwartz in the total amount of \$13,096.66. These funds are the third payment from the Charitable Lead Trust established in the Last Will and Testament of Ethel Meyer Schwartz and are for the period of January 1, through December 31, 2003. The El Paso Public Library will receive one-third (1/3) interest in this Charitable Lead Trust with payments made on an annual basis for ten years. The funds will be deposited in the Library's restricted fund and used for expenses related to programming, marketing and other Library services and activities.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained that the property was appraised and the property owners were agreeable to the negotiated price.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This Resolution was considered together with the next Resolution for Javier Carmelo Guardado and Luz Maria Guardado.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and JAVIER CARMELO GUARDADO AND LUZ MARIA GUARDADO for the purchase of Lots 2 and 3, Block 26, WOODLAWN, El Paso, El Paso County, Texas, also known as 202 Gateway Boulevard North to be used for the purpose of completing the El Paso Zoo Expansion Project.

See discussion for the prior approved Resolution for Ernestina Jurado Torres.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This Resolution was considered together with the previous Resolution for Ernestina Jurado Torres.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a resolution in support of the two priority projects endorsed by the Transportation Policy Board of the MPO for presentation to the Texas Transportation Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Attorney be authorized to sign a Letter of Engagement between the City of El Paso and Kenneth Carr of Ray, Valdez, McChristian & Jeans, a Texas Professional Corporation, to provide professional consulting services in connection with Collective Bargaining Agreements between the City of El Paso and the El Paso Municipal Police Officers' Association and the International Association of Firefighters, Local 51.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Contract between the CITY OF EL PASO and VERONICA M. CAMPBELL, to assist the Community and Human Development Department as a Grant Technician at an hourly rate of \$11.86 for 40 hours per week. The term of the contract shall be for the period of March 17, 2004 through September 30, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **KRISTIN FIELDS**, to assist the Museum of Art with the coordination of the Museum School at a biweekly rate of \$1,057.69 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of March 17, 2004 through March 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A:

1. One (1) watercolor on paper by Ethel Spears, **Cathedral at Santa Fe**, 13 ½" x 17 ¼", offered by Naomi Echlin of El Paso, Texas, and
2. One (1) Lithograph, by Thomas Hart Benton, **Tom Keefer**, c. 1941, 16" x 11 ¾", offered by Naomi Echlin of El Paso, Texas

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, the following works identified further in Exhibit A:

1. One (1) aquatint etching by Vicente Rojo entitled *Espejo Enterrado*, 2000, 26 ½" x 19 ¾", for \$650.00, purchased from Elena Cardeña, El Paso, Texas, to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment, and
2. One (1) aquatint etching by Francisco Castro Loñero, entitled *Juego de Reflejos*, 1999, 23 ¾" x 19", for \$600.00, purchased from Elena Cardeña, El Paso, Texas, to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment, and
3. One (1) aquatint etching by Teódulo Rómulo, entitled *El Bien y El Mal*, 1998, 23 ¼" x 18 7/8", for \$650.00, purchased from Elena Cardeña, El Paso, Texas, to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment, and
4. One (1) aquatint etching by Carla Rippey, entitled *Rizoma*, 2000, 23 ¼" x 21 7/8", for \$750.00, purchased from Elena Cardeña, El Paso, Texas, to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment, and
5. One (1) lithograph by Nunik Sauret, entitled *Arquetipo Uno*, 1998, Triptych 30" x 66 ¾", each 30" x 22 ¼", for \$1,500.00, purchased from Elena Cardeña, El Paso, Texas, to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to accept a check for \$7,800 from the Moor Moleen Foundation to be used for licensing fees for the summer foreign film series.

*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Use Agreement between the City of El Paso and Scot Properties LTD to allow the El Paso Fire Department to use a building located at 3901 N. Mesa, El Paso, Texas 79902, for training purposes. There is no cost to the City.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN EMPLOYMENT AGREEMENT ON BEHALF OF THE CITY OF EL PASO AS FISCAL AGENT TO HIRE ROY GILYARD AS THE EXECUTIVE DIRECTOR OF THE EL PASO REGIONAL METROPOLITAN PLANNING ORGANIZATION.

WHEREAS, the Transportation Policy Board (TPB) of the Metropolitan Planning Organization (MPO) has selected Roy Gilyard to be employed as the Executive Director of the MPO; and,

WHEREAS, the City of El Paso (City) is the Fiscal Agent for the MPO and as such has determined that it is in the public interest to sign the employment agreement; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

The Mayor is hereby authorized to sign an Employment Agreement as Fiscal Agent to hire Roy Gilyard as the Executive Director of the Metropolitan Planning Organization.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE PURCHASING DEPARTMENT TO ADVERTISE TO THE PUBLIC FOR SALE PROPERTY LEGALLY DESCRIBED AS BLOCK 229, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS, AND AUTHORIZING THE PURCHASING DEPARTMENT TO OBTAIN AN INDEPENDENT APPRAISAL AS REQUIRED BY STATE LAW TO ESTABLISH THE VALUE.

WHEREAS, on October 28, 2003, Clinton H. Dean requested the City sell property described as Block 229, Alexander Addition, El Paso, El Paso County, Texas; and,

WHEREAS, on November 19, 2003, the City's Development Coordinating Committee by vote decided to recommend to the City Council approval of the sale of this City-owned land with conditions that property be sold for parking lot use only, that access to parking lot be provided on Mississippi and/or Kansas Street only, and that the property be rezoned for use as a parking lot; and,

WHEREAS, State statutes require that before land owned by a municipality is sold, notice to the general public of the offer of the land for sale must be published, and sealed bids to purchase the land may be submitted to the municipality; and,

WHEREAS, the City Council finds that it is in the interest of the citizens and serves a public purpose to sell the property; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The City's Purchasing Department is hereby authorized, upon recommendation of the City's Development Coordinating Committee, to advertise to the public for sale property legally described as Block 229, Alexander Addition, El Paso, El Paso County, Texas. The Purchasing Department is authorized to obtain an independent appraisal to establish value.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Sub-License Agreement between Access Administrators, Inc. and the City of El Paso, which will allow the City to use 62 parking spaces, within the parking garage at 200 Kansas Street, at the cost of \$20.00 per permit.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 502214

1. **CONTRACTOR:** Robert E. Martin, Martial Arts Instructor
 DATES: March 23, 2004 through August 31, 2004
 RATE PER CL: \$10.00
 MAXIMUM AMT: \$750.00
 CONTRACT: **2003/2004-107**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.**, for a project known as "**Northeast Regional Park - Design and Construction Phase**", in an amount not to exceed **TWO HUNDRED FIFTY EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO AND 00/100 DOLLARS (\$258,752.00)** for completion of design and construction-related services. This is a 2000 Quality of Life Bond Project.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the First Amended Interlocal Agreement with El Paso Community College, the Upper Rio Grande Workforce Development Board, the Greater El Paso Chamber of Commerce, and Region 19 Education Service Center for cooperation in the establishment and operation of a Transition Adjustment and Career Education (TACE) Center within the existing Workforce Development and Lifelong Learning Offices of El Paso Community College, to assist students with disabilities in their transition from high school to a post-secondary setting.

Representative Power explained that the TACE program would now include disabled and special education children ages 14 and up and requested Council Members approve an additional \$20,000 to fund the development of the "Discover Lab". He answered questions from and responded to comments made by the Council Members.

Representatives Cook, Cushing and Rojas asked questions of Representative Power and City staff regarding funding issues.

Mr. John Nance, Assistant City Attorney, provided legal advice and revised the First Amended Interlocal Agreement language.

Mr. David Almonte, Director of OMB, explained that \$20,000 was allocated to the TACE Program last year and further explained the funding source for this year.

Motion made by Representative Power, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: First Amended Interlocal Agreement was revised as follows. Section V, subsection B1, Exhibit A – First Amended Interlocal Agreement to delete the words “to be” and add “which has been previously”. Sentence will read as follows: Financial assistance to the Program in an amount which has been previously provided directly to EPCC on a reimbursement basis during the term of the Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with CASA JURADO, INC. to provide One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company’s recyclable materials in conjunction with the Department of Solid Waste Management’s recycling program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to accept, on behalf of the City of El Paso, the donation of TWO THOUSAND AND NO/100THS DOLLARS (\$2,000.00) to the City of El Paso by C & C Road Construction, Inc., for use in purchasing trees and landscaping to be used City-wide. In addition to establish a restricted fund for all budgetary and financial actions necessary to carry out the intent of the donation as per Mayors Adhoc GreenSweep Committee’s recommendations.

NOTE: Resolution was revised to add the last sentence.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 6th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1107 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 19 and 20, Block 15, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Octillio, Octavio, Luis Navarro and Richard A. Stearns, 1107 Myrtle Avenue, El Paso, Texas 79901, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Public Services Librarian II (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **TAX OFFICE**

Add	1.00	Tax Customer Accounts Supervisor	GS22
Add	1.00	Tax Collections Supervisor	GS25
Delete	1.00	Tax Customer Accounts Supervisor	GS19
Delete	1.00	Tax Collections Supervisor	GS22

*Motion made, seconded and unanimously carried to re-appoint Roxanne Varela to the Arts and Culture Advisory Board by Representative John F. Cook, District 4.

*Motion made, seconded and unanimously carried to re-appoint Robert McKnight to the Arts and Culture Advisory Board by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to appoint Dr. Leopoldo Gemoets to the Information Technology Advisory Board by Representative John F. Cook, District 4.

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*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Authorization for use of District 3 Discretionary Funds for a residential street light at Mimosa Avenue @ Vocational Drive; estimated cost of \$929.00.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #B202-999-0400-1300, \$350.16 per month installments on a balance of \$12,605.76 for 1998, 2000 & 2001 taxes; Jose M. & Dolores N. Quiroga – 2124 Myrtle.
- B. PID #B202-999-0900-6100, \$176.12 per month installments on a balance of \$2,465.68 for 2003 taxes; Evangelina Santos & 9 – 2421 Montana.
- C. PID #'s C050-999-1160-0100, C050-999-1160-6500 & C050-999-1160-7900, \$2,947.21 per month installments on a balance of \$17,683.26 for 2002 taxes; Suk Suh Jung – 523 Stanton.
- D. PID #C962-999-0010-0150, \$996.53 per month installments on a balance of \$10,961.83 for 2003 taxes; Gilberto Castano – 4915 Crossroads.
- E. PID #'s D361-999-0060-0700 & D361-999-0060-0400, \$1,006.38 per month installments on a balance of \$36,229.68 for 2000, 2001, 2002 & 2003 taxes; Nathanael G. Macias – 8621 Lawson.
- F. PID #E014-999-1120-3600, \$865.43 per month installments on a balance of \$10,385.16 for 1997, 1998, 1999 & 2000 taxes; Armando Cruz & 4 – 3519 La Luz Ave.
- G. PID #E049-999-0070-1100, \$207.27 per month installments on a balance of \$2,072.70 for 2003 taxes; Oscar Abrego – 11669 Bunky Henry.
- H. PID #F607-999-0510-5500, \$710.10 per month installments on a balance of \$12,781.80 for 1994, 1996, 1997, 1998, 1999, 2000 & 2001 taxes; Raymond Telles – 1628 Wyoming.
- I. PID #G990-000-0005-0019, \$328.74 per month installments on a balance of \$3,944.88 for 1999, 2000, 2001, 2002, & 2003 taxes; Roberto & Josie Trillo – 676 Daljit Cit.
- J. PID #L032-000-0030-1100, \$240.12 per month installments on a balance of \$2,641.32 for 2003 taxes; Simon C. & Margarita Serrano – 100 La Cienega.
- K. PID #L122-999-0010-3900, \$1,569.34 per month installments on a balance of \$18,832.08 for 2003 taxes; Eulogio & Angel Ortiz – 8010 N. Loop.
- L. PID #M473-999-0380-7300, \$1,586.82 per month installments on a balance of \$9,520.92 for 2002 taxes; USA Textiles, Inc. – 116 – 120 S. Stanton.

- M.** PID #N425-999-0040-2100, \$712.82 per month installments on a balance of \$2,851.28 for 2003 taxes; Jaime & Jeannette Camacho – 4301 Loma de Brisas.
- N.** PID # R246-999-0190-1600, \$870.52 per month installments on a balance of \$9,575.72 for 2003 taxes; Juan C. Herrera – 12299 Western Spur.
- O.** PID #S052, 999-0080-4101, \$370.04 per month installments on a balance of \$4,440.48 for 2003 taxes; Jose Torres (CS) – 6703 – 6705 Esteban.
- P.** PID #S533-000-0120-0300, \$348.42 per month installments on a balance of \$3,484.20 for 2003 taxes; Francisco & Martha Rojas (C* - 11700 Alameda Ave.
- Q.** PID #S533-000-0150-09AM, \$242.75 per month installments on a balance of \$2,913.00 for 2000, 2001, 2002 & 2003 taxes; Antonio Morales c/o Pilar Morales – 10172 Haynes Rd. Rear.
- R.** PID #'s S533-000-0210-1300 & S533-000-0210-1302, \$172.66 per month installments on a balance of \$2,071.92 for 2002 taxes; David & Rose Hernandez – 10051 Apodaca.
- S.** PID #T218-999-0050-8200, \$310.70 per month installments on a balance of \$2,485.60 for 2003 taxes; Olivia I Loya – 749 Horncastle Rd.
- T.** PID #V893-999-1820-2700, \$224.31 per month installments on a balance of \$2,243.10 for 2003 taxes; Leonor Martinez – 1719 Russ Randall.
- U.** PID #0823-999-1181-0042, \$490.33 per month installments on a balance of \$3,432.31 for 2000, 2001 & 2002 taxes; Ay Cocula Tacos Al Carbon % Alberto Serrato – 1435 Lee Trevino.
- V.** PID #1995-999-0420-0042, \$349.11 per month installments on a balance of \$2,792.88 for 1998, 1999, 2000, 2001 & 2002 taxes; AY Automotive – Charlie Andrade – 8116 Alameda.
- W.** PID #M386-999-0020-1700, \$266.94 per month installments on a balance of \$2,669.40 for 2003 taxes; Alfredo & Elida Navarrete – 8038 Gilbert.

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 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** Federal Mogul Corporation Wiper Products in the amount of \$7,741.16, overpayment of 2003 taxes.
 (PID #0821-999-1664-0042)
- B.** Iris B. Burnham in the amount of \$7,385.84, overpayment of 2001 and 2003 taxes.
 (PID #C167-999-0040-6700)
- C.** Charter Bank in the amount of \$2,590.18, overpayment of 2003 taxes.
 (PID #C340-999-013A-6300)
- D.** Lawyers Title of El Paso in the amount of \$3,004.70, overpayment of 2003 taxes.
 (PID #C340-999-0660-0500)
- E.** ABN-AMRO Mortgage Group in the amount of \$3,446.25, overpayment of 2003 taxes.
 (PID #C340-999-0740-2300)
- F.** National City Mortgage in the amount of \$3,648.85, overpayment of 2002 taxes.
 (PID #C340-999-0930-2300)

- G.** Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,726.84, overpayment of 2002 taxes.
(PID #C518-999-1070-1700)
- H.** National City c/o Land America in the amount of \$3,368.74, overpayment of 2002 taxes.
(PID #C518-999-1330-7300)
- I.** Lawyers Title of El Paso in the amount of \$2,586.94, overpayment of 2003 taxes.
(PID #C942-999-0050-6100)
- J.** ABN AMRO Mortgage Group, Inc. in the amount of \$2,779.56, overpayment of 2003 taxes.
(PID #E222-999-1170-1900)
- K.** Partnership Mob's – West in the amount of \$2,702.95, overpayment of 2001 taxes.
(PID #E311-999-0020-8100)
- L.** Wells Fargo Home Mortgage in the amount of \$6,804.33, overpayment of 2003 taxes.
(PID #H454-999-0060-0300)
- M.** Mauricio V. & Elizabeth Arellano in the amount of \$2,638.52, overpayment of 2003 taxes.
(PID #P863-999-0110-4700)
- N.** Stewart Title in the amount of \$2,556.11, overpayment of 2003 taxes.
(PID #S373-999-001A-7000)
- O.** National City Mortgage in the amount of \$14,499.99, overpayment of 2003 taxes.
(PID #S490-999-0010-2300)
- P.** ADT Security Services, Inc. in the amount of \$16,873.64, overpayment of 2003 taxes.
(PID #S575-999-001A-4100)
- Q.** Charter Bank Mortgage Insurance in the amount of \$2,856.48, overpayment of 2003 taxes.
(PID #S814-999-0060-2400)
- R.** Stewart Title of El Paso in the amount of \$5,668.05, overpayment of 2003 taxes.
(PID #S917-999-002C-1300)
- S.** National City Mortgage/Landamerica Lereta Corp. in the amount of \$2,560.57, overpayment of 2003 taxes. (T116-999-0140-4300)
- T.** Pedro Chavez in the amount of \$2,698.10, overpayment of 2003 taxes.
(PID #V893-999-0780-4000)
- U.** Vassilia Sander in the amount of \$3,906.91, overpayment of 2003 taxes.
(PID #V893-999-1320-2200)
- V.** Manuel Salcido in the amount of \$3,146.19, overpayment of 2003 taxes.
(PID #U893-999-5790-1600)
- W.** Trans Continental Title in the amount of \$3,258.47, overpayment of 2003 taxes.
(PID #V897-999-0380-2500)
- X.** Adan & Maria E. Lovatus in the amount of \$3,859.46, overpayment of 2003 taxes.
(PID #V897-999-0790-1000)

Y. Jennifer J. MacDonald in the amount of \$3,540.61, overpayment of 2003 taxes.
(PID #W145-999-0740-1500)

Z. Regent Communications, Inc. in the amount of \$20,921.15, overpayment of 2003 taxes.
(PID #X132-999-0000-9400)

AA. Stewart Title of El Paso in the amount of \$5,237.33, overpayment of 2003 taxes.
(PID#X216-999-0000-7100)

BB. Landamerica Tax & Flood Service in the amount of \$95,224.03, overpayment of 2003 taxes.
(PID#X579-999-304S-2000)

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*Motion made, seconded and unanimously carried that Mayor and Council authorize the Director of Purchasing to issue an Emergency Purchase Order to Rinchem Company Inc. in the amount of \$35,000.00 estimated for Household Hazardous Waste Disposal Events through April 30, 2004 (approximately 2 events).

Request is due to the termination of current contract. The procurement is necessary to preserve or protect the public health or safety of the municipality's residents. The Purchasing Department will be advertising a new solicitation on March 16th & 23rd, and is schedule to be due on March 31, 2004. (Contract Number 2004-142)

Department: Solid Waste Management
Funding available: 34010289-40403-502115
Funding source: Management Consulting Services
Amount: \$35,000.00 Estimated

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*Motion made, seconded and unanimously carried to postpone one (1) week Bid No.: 2004-034 31 Yard Automated Side Load Refuse Trucks

Award to: Rush Truck Center – El Paso
El Paso, Texas
Item (s): 1 – Ten (10) Each
Optional Items: O3, O8 – Ten (10) Each
Amount: \$1,524,280.00

Department: Solid Waste Management
Funds available: 34340200-508006-40415
(\$762,140.00)
04250203-508006-27252-PMB0003160
(\$762,140.00)
Funding source: FY 2004 Solid Waste
Management Revenue Bonds
FY 2002 Certificates of Obligation
Total award: \$1,524,280.00

The Solid Waste, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor also offered the lowest responsive bid.

This is a fixed-price, single (one-time) purchase, to purchase ten (10) 31 Yard Automated Side Load Refuse Trucks. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

*Motion made, seconded and unanimously carried to award Bid No. 2004-093 Janitorial Services for the Mission Valley Police Regional Command Center and Northeast Police Regional Command Center and Municipal Courts

Award to: The Eagle Janitorial
El Paso, Texas
Item (s): 1 and 2
Amount: \$85,608.00 (estimated annually)

Department: Municipal Services / Building Maintenance
Funds available: 31010326-01101-502206
Funding source: General Funds, Janitorial Maintenance Services Contract
Total award: \$256,824.00

The Departments of Municipal Services and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid Procurement.

This is a thirty-six (36) month contract with no option to extend the term of this contract. Additionally, The Eagle Janitorial offers a 3% 20 days prompt payment discount.

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*Motion made, seconded and unanimously carried to award the Bid No. 2004-072 Auto Brakes, Pads & Hardware for Heavy Duty Equipment

Award to: Vendor 1: Border International Trucks, Inc.
El Paso, Texas
Item (s): Part A, Items 1 and 2
Amount: \$45,000.00 (estimated annually)

Vendor 2: MHC Kenworth/Sterling/Ford
El Paso, Texas
Item (s): Part A, Items 4 and 5
Amount: \$50,000.00 (estimated annually)

Vendor 3: Fleetpride
El Paso, Texas
Item (s): Part A, Items 3 and 6
Amount: \$15,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Service Internal Service Fund
Total award: \$330,000.00

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendors #1, #2 & #3 all offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the ward.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....

*Motion made, seconded and unanimously carried to postpone one (1) week Bid No.: 2004-074 Clint Landfill Phase I, Cells 1 and 2

Contractor: J. D. Abrams, LP
Austin, TX

Department: Solid Waste Management

Funds Available: 31260001/PPWFA03019/60636/508027

Funding Source: Revenue Bond

Items:

Base Bid I	\$2,870,450.00
Base Bid IA	\$ 3,300.00
Base Bid II	\$ 46,000.00
Base Bid III	\$ 47,000.00

Total Award: \$2,966,750.00

Recommendation:

The Departments of Purchasing, Engineering, and Solid Waste Management recommend the award of this contract to J. D. Abrams, LP, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-450 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$15,000 to fund the construction and inspection phases of the Zaragosa Bridge Joint Repair. Funding source is previously issued revenue bonds.

Increase	\$6,390	to	32000082/P50100543001/508027	Const
Increase	\$ 610	to	32000082/P50100543001/508026	Inspect
Increase	\$7,000	to	32000082/P50100543001/407002	EstRev

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-498 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$22,000 appropriated to the Alta Vista Ballfield Lighting project in error and transfer the funds to Veterans Park Improvements project where the funds should have been appropriated. Funding source is 2000 QOL bonds.

Decrease	\$22,000	from	31130550/PPW0046040YR260043/508027	Const
Increase	\$22,000	to	14101001/PQLPA16760167/508027	Const
Increase	\$22,000	to	14101001/PQLPA16760167/407000	IntfdTrf
Increase	\$22,000	to	31130550/PPW0046040YR260043/507000	IntfdTrf

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-531 COMMUNITY AND HUMAN DEVELOPMENT

This transfer sets up the accounts into which the Public Service Board will pay their portion of the George Orr Street Project, a 29th year (2002-2003) Community Development Project. The PSB portions covers the 50% that will be paid by the PSB for work done on their infrastructure as a part of this project.

Increase	\$165,681.47	to	71150069/G7128PS003111075/406002	GrtPro
Increase	\$165,681.47	to	71150069/G7128PS003111075/508027	Const

.....
*Motion made, seconded and unanimously carried to approve the request of The American Lung Association of Texas to hold a 5k walk/run on May 1, 2004 from 6:00 a.m. to 12:00 p.m. Route: Start at McKelligon Canyon Amphitheatre parking lot; proceed around McKelligon Canyon Road within the canyon and finish at the amphitheatre parking lot. Approximately 500 persons will take part and 300 spectators are anticipated. This request includes permission to use amplification (2 speakers, 2 microphones, and 1 amplifier-250 watts). PERMIT NO. 04-012 [Elizabeth Hernandez]

.....
*Motion made, seconded and unanimously carried to delete the introduction of an Ordinance amending Ordinance Number 011598, which Ordinance established the International Bridge Commission; and Ordinance Number 011902, which Ordinance added a representative from the General Counsel of Mexico or his designee as an additional ex-officio member of the International Bridge Commission; for the purpose of revising the effective dates of the terms of the members appointed to the International Bridge Commission, and to name the City of El Paso's Street Department as Secretary to the Commission.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Escobar was not present for the vote.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A) of the El Paso Municipal Code, by adding a location on Bob Hope Drive.
- B. An Ordinance amending Ordinance No. 7913, which authorized the City of El Paso to enter into a lease agreement with El Paso Rehabilitation Center, for the purpose of amending the terms of the lease agreement.
- C. An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to authorize the Director of the City Parks and Recreation Department to sign Agreements providing for rental of City Parks and Recreation Areas.
- D. An Ordinance authorizing the Mayor to sign for the City on behalf of the El Paso Water Utilities Public Service Board, a Special Warranty Deed with Easement conveying to the El Paso Humane Society, Inc., a 4-acre tract of land under the jurisdiction of the El Paso Water Utilities Public Service Board, being a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys located on Fred Wilson Road near JEB Stuart Road, El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON MARCH 30, 2004 FOR ITEMS A – D

- E. An Ordinance changing the zoning of Lots 15 & 16, Block 108, East El Paso Addition, El Paso, El Paso County, Texas (3429 Montana Avenue) from R-5 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00018. Applicant: Laura E. Gonzalez / Representative: Mario Gonzalez, 303 Texas Ave., Suite 800, El Paso, TX 79901

- F. An Ordinance granting Special Permit No. ZON03-00085 to allow for a parking reduction on the property described as Lots 15 & 16, Block 108, East El Paso Addition, El Paso, El Paso County, Texas (3429 Montana Avenue), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: S-D (Special Development). Applicant: Laura E. Gonzalez / Representative: Mario Gonzalez, 303 Texas Ave., Suite 800, El Paso, TX 79901
- G. An Ordinance Granting Special Permit No. ZON04-00006, to allow for a philanthropic use on a Portion of Pridham Survey No. 274, El Paso, El Paso County, Texas (3700 Altura Ave.) pursuant to Section 20.14.040. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZONE: R-4 (Residential). Applicant: YWCA / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936
- H. An Ordinance Granting Special Permit No. ZON04-00007 to satisfy parking requirements for Parcel I, described as a Portion of Pridham Survey No. 274, El Paso, El Paso County, Texas; by allowing off-site off-street parking on Parcel 2, described as a Portion of Pridham Survey No. 274, El Paso, El Paso County, Texas, pursuant to Section 20.14.040. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-4 (Residential). Applicant: YWCA / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936
- I. An Ordinance Granting Special Permit No. ZON04-00002 to satisfy parking requirements for Parcel 2, described as the East 101 Feet of Lot 27, Block 73, Morningside Heights; by allowing off-site off-street parking on Parcel I, described as Lots 10 - 13, Block 73, Morningside Heights; all within El Paso, El Paso County, Texas (4000 Block of Truman Ave.) pursuant to Section 20.22.040. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) and A-2 (Apartment). Applicant: Willie J. and Rojana Hannah / Representative: Cruz Garcia, 1860 Ralph Janes, El Paso, TX 79936
- J. An Ordinance changing the zoning of Lots 8 & 9, Block 74, Franklin Heights, El Paso, El Paso County, Texas (1818 Rio Grande) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00016. Applicant / Representative: Felix Padilla, 4209 Park Hill, El Paso, TX 79902
- K. An Ordinance changing the zoning of Tract 24, Richard Lee Subdivision, El Paso, El Paso County, Texas (Farrell Drive North of Cindy Lane) from R-F (Ranch and Farm) to R-2A (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Edgar R. and Teresa D. Paz / Representative: Adrian Hernandez, P.O. Box 11247, El Paso, TX 79995. ZON04-00017

PUBLIC HEARING WILL BE HELD ON APRIL 6, 2004 FOR ITEMS E – K

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
No action was taken regarding the 2000 Quality Of Life Bond Program - six month status update by the Program Manager.

Mr. Juan Contreras, Perspectiva + 3D/I (P+3), utilized the City's webpage address www.elpasotexas.gov to highlight the six-month status update of the 2000 Quality of Life ("QOL") Bond program. He explained that the public could access the information under the "Quality of Life" heading and double-clicking on the "Project Management Web Site". He enumerated the financial status, progress status and other pertinent information regarding the QOL projects.

Mr. Eugenio Mesta, Perspectiva + 3D/I (P+3)I, noted that the website had been in operation for two months and that the information was updated on a monthly basis. He explained the various stages of the 95 QOL projects and added that Perspectiva had saved \$6,000 of the \$34,000 to be spent on tree planting as the

trees had been planted during the winter season. He noted that the \$6,000 would be placed in the QOL contingency fund. He commented that \$12 million of the QOL projects were pending due to the new A&E Selection Ordinance and the pre-qualification of architectural firms. He complimented City staff in coordinating with the BOAC, other City departments, user groups and the community. He stated that all Zoo projects would be finalized by Spring 2007 or sooner and that the two libraries to be constructed, in the Lower Valley and on the Eastside, would be on-line by Fall 2005. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy explained that the land for the Ft. Bliss soccer fields and the Westside Sports Complex would be "nailed down" within 60 days.

Representative Cobos questioned the \$12 million QOL projects pending the pre-qualification of A&E firms.

Ms. Irene Ramirez, Interim Deputy Director of Engineering, explained that the A&E pre-qualification applications were available in the Engineering Department or on the City's webpage www.elpasotexas.gov under "Departments". She explained that dependent upon the A&E firms' submitting their applications, the selection process might take approximately four to six weeks. She added that City staff review the A&E pre-qualification applications immediately upon receipt.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice regarding the project manager's contract and the possible delay in the projects due to the A&E Selection Ordinance.

Mr. Byron Johnson, Director of Purchasing, explained that the Purchasing Department was no longer a part of the A&E selection process.

No action was taken on the discussion and action to amend the scope of the Project Management professional services contract with Perspectiva 3DI to include the management of the \$10,000,000 of Capital Improvements projects recently authorized for District IV by the voters as below:

<u>Name of Project</u>	<u>Prop</u>	<u>Dist</u>	<u>2004 Bond</u>	<u>City Transfer Management</u>	<u>% of Budget</u>
Fire Station #34 – New Station	Fire 4	4	\$1,727,830	\$ 74,013	4.28%
Channel #1 - Chain Link Fence	Flood 5	4	\$ 372,557	\$ 18,365	4.93%
Northeast Diversion Channel #2	Street-3	4	\$1,994,490	\$ 92,286	4.63%
North Park Drainage	Street 3	4	\$2,856,901	\$136,043	4.76%
Landscaping & Parkway Phase I	Street 3	4	\$3,048,222	\$149,214	4.90%

Representative Cook questioned Mr. Eugenio Mesta, Perspectiva +3 D/I, regarding the firm's 2000 Quality of Life projects and requested that Perspectiva + 3D/I (P+3) include the recently approved Capital Improvement Projects to the project management professional services contract.

Ms. Irene Ramirez, Interim Deputy Director of Engineering, clarified that the 3.7 percentage rate was negotiated between the City and Perspectiva + 3D/I (P+3). She noted that the 2004 Capital Improvement Projects were 80% street and drainage projects. She noted that the Engineering Department currently holds 14 vacant positions, of which two positions are in the Traffic Engineering Department.

Mayor Joe Wardy explained that the Council Members had promised the voters of El Paso that the Capital Improvement Projects would be completed on time and within budget.

Mr. Daryl Cole, Street Director, added that the bids for street resurfacing projects had recently opened.

Ms. Patricia Aauto, Deputy CAO for Building and Planning Services, enumerated the 71 Capital Improvement Projects and their project status. She further explained that the City departments were

coordinating with all architect and engineering firms regarding the A&E pre-selection application process and awaiting the submittal of those applications.

Ms. Lisa A. Elizondo, City Attorney, requested that the Council Members move the item into Executive Session for further discussion.

NOTE: Item was moved into executive session of the regular agenda.

.....
Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

Ms. Rita Sariñana, citizen, provided documents for Council Members (on file in the City Clerk's Office) and requested that two additional stop signs be posted at the intersection of Parral and La Paz. She noted that a bump in the road existed at the intersection of Parral and La Paz causing many drivers to lose control.

Ms. Diana Nuñez, Deputy City Clerk, interpreted from Spanish to English on behalf of Ms. Sariñana and read the letter and petition submitted by Ms. Sariñana into the record.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that the Traffic Engineering Department had performed a study of the intersection and determined that the intersection did not meet the qualifications for placement of two additional stop signs. He noted that the removal of two palm trees would be required in the event the Council Members approved the placement of the two additional stops. He answered questions from and responded to comments made by the Council Members.

Ms. Aide Sarinaña, citizen, stated that it would not be necessary to remove the two palm trees.

Representatives Lozano, Escobar, Cook and Power asked questions of Mr. Marquez regarding pedestrian traffic, speeding and other significant traffic issues.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone one (1) week the Resolution that the Mayor and City Council hereby authorizes the Planning, Research and Development Department Director to sign and submit a City-initiated street dedication application for portion of Redd Road Drive that will provide access to a City park known as Valley Creek Park.

.....
*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign, on behalf of the City of El Paso as the owner of the adjacent street (Ethel Road), the preliminary and final plat applications and recording maps for Sunset View 3 Subdivision and Sunset View 4 Subdivision.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to authorize the Planning, Research & Development Department to accept and process a detailed site development plan application and any related documents, for City-owned property legally described as Lot 12 and 13, Block 3, Keystone Business Park.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the Junior League would be implementing a botanical garden at the Keystone Heritage Park. He answered questions from and responded to comments made by the Council Members.

Representative Cushing questioned whether an Agreement with the Junior League existed.

Mr. Matt Watson, Assistant City Attorney, stated that he was not aware of an existing Agreement; however, would research that and provide copies to the Council Members.

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ORDINANCE 15711

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING CIELO VISTA OPTIMIST CLUB TO USE A PORTION OF SHAWVER PARK AND PAVILION FROM 7:00 AM UNTIL 4:00 PM ON APRIL 17, 2004.**

Representative Rojas questioned Dr. William R. Torgerson, Interim Director of Parks and Recreation, regarding the fee amount.

Dr. Torgerson responded that there would be no cost to the City; however, the applicant would be charged an \$80.00 fee.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15712

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 36, BLOCK 1, PARKLAND EAST SUBDIVISION UNIT 2, EL PASO, EL PASO COUNTY, TEXAS (6240 QUAIL AVENUE) FROM C-1 (COMMERCIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and explained that the DCC (Development Coordinating Committee) had recommended approval with condition(s); however, removed the condition(s) at the following DCC meeting. He added that the CPC (City Plan Commission) had recommended unanimous approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15713

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 2A, BLOCK 37, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (ZARAGOZA ROAD SOUTH OF PENCE ROAD) FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and stated that the DCC (Development Coordinating Committee) had recommended approval with condition(s) and the CPC (City Plan Commission) had concurred with the Planning, Research and Development staff recommendations. He noted that the Department had received neither opposition to nor support of the Ordinance.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Parcel 1: Tract 3A, S.A. & M.G. Railroad Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial) and imposing certain conditions, Parcel 2: Tract 4, W.H. Lenox Survey No. 432, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: The Downing Revocable Living Trust / Representative: McCormick Architecture LLC, 4110 Rio Bravo, Ste 432, El Paso, TX 79902. ZON03-00088.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 160 Newman St., aka 1400-1402 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Telles Group Inc., A Texas Corporation, 2120 Myrtle Avenue, El Paso, Texas 79901, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 700 E. Third Avenue AKA 502 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 5th, 2003. The owners of this property, Adolfo J. & Alexandro Avila, 8445 New Haven Drive, El Paso, Texas 79907, have been notified of the violations at this property. Delinquent taxes in the amount of \$198.37 for property located at 700 E. Third Avenue for year 2003 and \$0 delinquent taxes for property located at 502 S. Florence St.

Mr. Thomas Maguire, Building Permits and Inspections, explained that Lydia Patterson Institute had purchased the property. He answered questions from and responded to comments made by the Council Members.

Mr. Rick Ruiz, PSRBB Architects, requested that the matter be postponed eight weeks to allow the school to advertise bids to demolish the structure.

.....
Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 134 Ceres Place, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 25th, 2003. The owners of this property, Francisco Vargas and Nancy Esperanza Vargas, 134 Ceres Place, El Paso, Texas 79907, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Ms. Rosa E. Vargas, daughter of property owner, provided explanation regarding the status of the property and requested 30-day postponement. She answered questions from and responded to comments made by the Council Members.

.....
Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 7429 Rose Circle, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 11th, 2003. The owners of this property, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$828.25 for year 2003.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Mr. Ed Lerma, property owner, explained that he had recently made improvements to the structure and requested additional time to made further improvements.

.....
ADDITION TO THE AGENDA

See motion to approve the Introduction of Ordinances and the motion to delete the Introduction of an Ordinance for the International Bridge Commission on pages 15 through 16.

.....
SECOND ADDITION TO THE AGENDA

No action was taken on the discussion and action on Municipal Code 9.04.350 (Solid Waste Management): "Obligation of property owners and possessors regarding their right of possession and maintaining their properties, as well as the abutting sidewalks, parkways, alleys, and street gutters free of accumulations of waste, to prevent such accumulations and to promptly remove such wastes from the property" for the purpose of considering returning the responsibility to the City for possession and maintenance.

Representative Lozano commented on the poor maintenance of City alleyways and requested that the City install gates at all alleyway openings. H expressed his concern for the elderly and the disabled community who do not have the financial means to pay for the cleanup.

Ms. Emma Acosta, Director of Solid Waste Management, noted that the City Ordinance specified that property owners must maintain and keep their property clean to include alleyways. She explained that community groups were available to assist individuals in the maintenance of their properties. She mentioned that the two "Pride Day" events were held in the months of April and October and that the West Texas Corrections Department utilized the individuals on probation to assist in keeping El Paso Clean. She added that the Solid Waste Management Department charges a minimum charge of \$15.00 to clean up a property.

Representative Cushing explained that he had research the maintenance upkeep of City alleyways and would provide the Council Members that information.

Representative Cook suggested Representative Lozano contact Border TM Industries and added that the company might be able to provide additional assistance in maintaining the alleyways free of charge.

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:02 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

ADDN 2 Discussion and Action regarding the Court of Inquiry matter, Cause No. 20040D00814.
(551.071)

22A. Discussion and action to amend the scope of the Project Management professional services contract with Perspectiva 3DI to include the management of the \$10,000,000 of Capital Improvements projects recently authorized for District IV by the voters as below: (551.071)

Name of Project	Prop	Dist	2004 Bond	City Transfer Management	% of Budget
Fire Station #34 – New Station	Fire 4	4	\$1,727,830	\$ 74,013	4.28%
Channel #1 - Chain Link Fence	Flood 5	4	\$ 372,557	\$ 18,365	4.93%
Northeast Diversion Channel #2	Street-3	4	\$1,994,490	\$ 92,286	4.63%
North Park Drainage	Street 3	4	\$2,856,901	\$136,043	4.76%
Landscaping & Parkway Phase I	Street 3	4	\$3,048,222	\$149,214	4.90%

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 12:20 p.m. and reconvene the meeting of the City Council.

Representatives Lozano and Rojas were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the Office of the City Attorney be authorized to proceed with such remedies and defenses as it may deem appropriate to insure that the City of El Paso and the El Paso Police Department receive due process in connection with the court of inquiry matter now pending in the 346th District Court, designated as Cause No. 20040D00814.

No action was taken on the discussion and action to amend the scope of the Project Management professional services contract with Perspectiva 3DI to include the management of the \$10,000,000 of Capital Improvements projects recently authorized for District IV by the voters as below:

<u>Name of Project</u>	<u>Prop</u>	<u>Dist</u>	<u>2004 Bond</u>	<u>City Transfer Management</u>	<u>% of Budget</u>
Fire Station #34 – New Station	Fire 4	4	\$1,727,830	\$ 74,013	4.28%
Channel #1 - Chain Link Fence	Flood 5	4	\$ 372,557	\$ 18,365	4.93%
Northeast Diversion Channel #2	Street-3	4	\$1,994,490	\$ 92,286	4.63%
North Park Drainage	Street 3	4	\$2,856,901	\$136,043	4.76%
Landscaping & Parkway Phase I	Street 3	4	\$3,048,222	\$149,214	4.90%

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 Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 12:25 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk